

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:14CR312
Plaintiff,)	
)	
vs.)	ORDER
)	
LARRY L. HATHAWAY,)	
)	
Defendant.)	

This matter is before the court on the motion to continue by defendant Larry L. Hathaway (Hathaway) (Filing No. 36). Hathaway seeks a continuance of the trial of this matter which was scheduled for October 11, 2016. Hathaway represents he has reached an agreement with the government for pretrial diversion. Hathaway's counsel represents that counsel for the government has no objection to the motion. However, Judge Rossiter must approve of the deferred prosecution agreement if time under the Speedy Trial Act is to be excluded. **See:** 18 U.S.C. § 3161(h)(2).

Accordingly, the motion will be held in abeyance pending the submission of the deferred prosecution agreement to Judge Rossiter for approval **on or before October 14, 2016**. Upon approval, the trial of this matter will be continued *sine die*. In the meantime, the trial date of October 11, 2017, is canceled.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that counsel for the government is responsible for timely notifying the court of the outcome of the deferred prosecution by an appropriate motion for dismissal or a motion to reset the case for trial

DATED this 6th day of October, 2016.

BY THE COURT:
s/ Thomas D. Thalken

United States Magistrate Judge